

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

WAYNE ALLEN DARROUGH,	:	
	:	
Plaintiff,	:	1:13-CV-57 (WLS)
	:	
v.	:	
	:	
WARDEN MARTY ALLEN, et. al.,	:	
	:	
Defendants.	:	
	:	

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**ORDER**

Before the Court is a Recommendation of Dismissal from United States Magistrate Judge Thomas Q. Langstaff, filed April 18, 2013. (Doc. 6.) Plaintiff filed the above-captioned matter pursuant to 42 U.S.C. § 1983. Judge Langstaff recommends that Plaintiff's Complaint (Doc. 1) be permitted to proceed as against all defendants with the exception of the Georgia Department of Corrections, who is not a "person" for the purpose of § 1983. (Doc. 6 at 3-4.) No objections were filed within the fourteen-day period provided pursuant to 28 U.S.C. § 636(b)(1). The objection period expired on May 2, 2013. (See Doc. 6 at 4; Docket).

Upon full review and consideration upon the record, the Court finds that said Recommendation of Dismissal (Doc. 6) should be, and hereby is, **ACCEPTED**, **ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Therefore, Plaintiff's Complaint (Doc. 1) is **DISMISSED** as against the Georgia Department of Corrections. Plaintiff may proceed with his Complaint against Defendants Warden Marty Allen, Deputy Warden Jerry Jefferson, and Deputy Warden Artis Singleton.

**SO ORDERED**, this 8<sup>th</sup> day of October, 2013.

/s/ W. Louis Sands

**THE HONORABLE W. LOUIS SANDS,  
UNITED STATES DISTRICT COURT**